

Memorandum

Date : DEC 21 1995

To : Jim Sutton
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

From : Department of Water Resources

Subject : Draft Delta Wetlands Project EIR/EIS

①K2

BOB POTTER
(Delta Wetlands folder)

JAN 02 1996

done
12/20/95 XC: Snow
Fullerton

The Department of Water Resources is providing these comments to you after reviewing the draft Environmental Impact Report/Environmental Impact Statement for the proposed Delta Wetlands project. While we feel that the overall technical studies and analyses contained in the document are satisfactory, the Department has several major concerns which are not addressed adequately in the current document. These concerns are outlined below:

1. The operation of the Delta Wetlands project may adversely affect or compromise the water rights of the State Water Project and other more senior water rights holders in the Bay-Delta system.

Delta Wetlands proposes to divert "surplus" water flowing through the Delta into storage. However, given the complexity of factors affecting conditions in the Bay-Delta estuary, it is extremely difficult to distinguish surplus water from that which is needed to meet Bay-Delta standards, export needs and needs of in-Delta water users. The DEIR/S does not contain adequate information nor a sufficient level of detail on how the project would be operated to determine how the project will impact DWR water rights and SWP operation.

A related concern is the probable incremental effect of DW project operations on Bay-Delta aquatic species. The proposed mitigation measures to minimize potential effects of DW rely heavily on the success of unproven technology. We are concerned that any incremental adverse impacts caused by DW will not be adequately mitigated by DW and a result would be additional, restrictive regulations affecting the water supply reliability of the present SWP system.

2. The DEIR/S does not address the effect of the DW project on implementation of the Interim South Delta Program, a reasonably anticipated future project. This program, proposed jointly by DWR and the U.S. Bureau of Reclamation, currently envisions constructing and operating four flow control structures in the south Delta, channel dredging in Old River, constructing a new intake gate at

1995 DEC 21 AM 9:28
STATE WATER RESOURCES
CONTROL BOARD

the northeast corner of Clifton Court Forebay, and increasing diversions into Clifton Court Forebay above the current allowable level.

3. Available data indicate that peat soil leaching, which would occur as the Delta Wetlands islands are alternately filled and drained, may result in elevated levels of THM precursors in southern Delta waters. This increase in THM precursors could have a significant effect on the cost and feasibility of meeting increasingly stringent drinking water quality standards set by the U.S. Environmental Protection Agency for water supplies delivered by the SWP to our municipal and industrial contractors. This concern has not been adequately addressed in the DEIR/S.
4. On December 15, 1994, representatives from the State of California, the federal government and stakeholders representing urban, agricultural, and environmental interests signed the Bay-Delta Accord. Included as a provision of this historic agreement was the formation of a joint State-federal task force to determine a long-term solution for the variety of issues affecting public resource values of the Bay-Delta estuary. Over the last year, this effort has evolved into the creation of the Bay-Delta Advisory Council and the CALFED Bay-Delta Program. This process is designed to identify future long-term Bay-Delta facilities and actions to protect the water supply reliability and ecosystem values of the Bay-Delta. The DEIR/S does not identify the relationship or compatibility of the Delta Wetlands project with the CALFED Bay-Delta Program.
6. The DEIR/S indicates that Division of Safety of Dams requirements may result in project storage elevations of less than six feet above mean sea level. According to Section 6004(c) of the California Water Code, any levees within the Sacramento-San Joaquin Delta which impound water to an elevation greater than four feet above mean sea level (1929 datum) are under the jurisdiction of the Department's Safety of Dams. The DEIR/S must clarify the proposed design to determine whether the DW project will be regulated by Safety of Dams.

The attached detailed comments on various aspects of the DEIR/S provide specific information in support of these more general operational and policy-oriented concerns made here. I trust that you will find these comments useful in evaluating and responding to the Department's concerns about DW and the DEIR/S.

the northeast corner of Clifton Court Forebay, and increasing diversions into Clifton Court Forebay above the current allowable level.

3. Available data indicate that peat soil leaching, which would occur as the Delta Wetlands islands are alternately filled and drained, may result in elevated levels of THM precursors in southern Delta waters. This increase in THM precursors could have a significant effect on the cost and feasibility of meeting increasingly stringent drinking water quality standards set by the U.S. Environmental Protection Agency for water supplies delivered by the SWP to our municipal and industrial contractors. This concern has not been adequately addressed in the DEIR/S.
4. On December 15, 1994, representatives from the State of California, the federal government and stakeholders representing urban, agricultural, and environmental interests signed the Bay-Delta Accord. Included as a provision of this historic agreement was the formation of a joint State-federal task force to determine a long-term solution for the variety of issues affecting public resource values of the Bay-Delta estuary. Over the last year, this effort has evolved into the creation of the Bay-Delta Advisory Council and the CALFED Bay-Delta Program. This process is designed to identify future long-term Bay-Delta facilities and actions to protect the water supply reliability and ecosystem values of the Bay-Delta. The DEIR/S does not identify the relationship or compatibility of the Delta Wetlands project with the CALFED Bay-Delta Program.
6. The DEIR/S indicates that Division of Safety of Dams requirements may result in project storage elevations of less than six feet above mean sea level. According to Section 6004(c) of the California Water Code, any levees within the Sacramento-San Joaquin Delta which impound water to an elevation greater than four feet above mean sea level (1929 datum) are under the jurisdiction of the Department's Safety of Dams. The DEIR/S must clarify the proposed design to determine whether the DW project will be regulated by Safety of Dams.

The attached detailed comments on various aspects of the DEIR/S provide specific information in support of these more general operational and policy-oriented concerns made here. I trust that you will find these comments useful in evaluating and responding to the Department's concerns about DW and the DEIR/S.

Beyond this EIR/S process, the Department intends to actively participate in any water rights hearings on the Delta Wetlands project. DWR hopes that the hearings will address more specifically how surplus water will be determined and the project operated so that senior water rights holders are not harmed.

If you have any questions, please contact me or have your staff contact Stein Buer of my staff at (916) 653-6628.

A handwritten signature in black ink, reading "Kathlin R. Johnson". The signature is fluid and cursive, with the first name "Kathlin" and last name "Johnson" clearly legible.

Kathlin R. Johnson
Chief, Division of Planning
(916) 653-1099

Attachment

Comments on the Delta Wetlands Project Draft EIR/EIS by DWR Staff

The following compilation includes comments by the Division of Local Assistance, the Division of Operations and Maintenance, the Division of Planning, and the Environmental Services Office.

Division of Local Assistance

The following sections of the draft Delta Wetlands Environmental Impact Report and Environmental Impact Statement were reviewed with focus on the impacts from the DW project discharges on TOC/DOC and THM concentrations in Delta exports:

- Chapter 2. Delta Wetlands Project Alternatives
- Chapter 3C. Affected Environment and Environmental Consequences - Water Quality
- Appendix C1. Analysis of Delta Inflow and Export Water Quality Data
- Appendix C2. Analysis of Delta Agricultural Drainage Water Quality Data
- Appendix C3. Water Quality Experiments on Potential Sources of Dissolved Organics and Trihalomethane Precursors for the Delta Wetlands Project
- Appendix C4. Delta DWQ: Delta Drainage Water Quality Model
- Appendix C5. Modeling Trihalomethane Concentrations at a Typical Water Treatment Plant Using Delta Export Water

GENERAL COMMENTS

In summary, the DEIR/EIS analysis of impacts to water treatment plants in meeting TOC/DOC and THM standards by Jones & Stokes Associates, Inc. is incomplete. The analysis and mitigative measures were based on the current U.S. Environmental Protection Agency THM standard of 0.100 mg/L. Proposed lower THM MCLs for 1998 and year 2002 under the D-DBP Rule were not considered. The modeled results of the predicted impacts of the DW project in future years with respect to water treatment plants in meeting the proposed water quality standards must also be evaluated.

Some of the interpretations of water quality data and relationships between water quality parameters (e.g., EC and DOC) identified by Jones & Stokes are not fully supported. For example, Jones & Stokes use drainage water EC to predict the concentration of DOC from nonevaporative processes (e.g., peat soil, decaying crops). Yet, there are data in the report that show this relationship cannot be consistently used since DOC is not conservative when applied on Delta soils.

DIV. OF WATER RIGHTS
1995 DEC 21 AM 9:29

STATE WATER RESOURCES